

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LAURENCE GEE ROBBINS,
JR., and BRAIN JAMAL ROBBINS, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DEONNA I. SANDERS,

Respondent-Appellant,

and

LAURENCE ROBBINS,

Respondent.

UNPUBLISHED

June 23, 2009

No. 284790

Wayne Circuit Court

Family Division

LC No. 04-437255-NA

Before: Owens, P.J., and Servitto and Gleicher, JJ.

PER CURIAM.

Respondent Deonna I. Sanders appeals as of right from the trial court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination has been met by clear and convincing evidence and that termination of parental rights is in the children's best interests. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991); MCL 712A.19b(5). The trial court's decision is reviewed for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

The trial court did not clearly err when it terminated respondent's parental rights. The older child was brought into care when respondent and respondent-father were not obtaining appropriate medical care for him, requiring intervention from relatives, and respondent was exhibiting behaviors that were indicative of severe mental health issues. For a period of time, the minor children resided with respondent and respondent-father while under the jurisdiction of the trial court. The trial court required supervision when respondent was left alone with the minor children. Subsequently, it was reported that respondent shook the younger child, who was still a

baby, and the trial court ordered her out of the home for three months. Sometime after that, the minor children were removed from respondent-father's home and placed in foster care.

Respondent was provided numerous services to help address her issues. In addition, understanding that respondent needed support to parent the minor children and appreciating that she loved her children, the paternal grandmother offered to assist respondent with housing and support for respondent and the minor children on the condition that respondent disassociate herself from respondent-father. The paternal grandmother testified that respondent was unable to care for the minor children on her own, and the children would be at risk both physically and mentally if placed in respondent's sole care. Respondent refused this offer and consistently stated that she wanted to plan with respondent-father.

The termination hearing began almost two and a half years after the trial court took jurisdiction over the older child. It concluded three months later when the minor children were two and four years old. The issues of respondent's mental instability and inability to care for the children remained an issue. Respondent's therapist had concerns with respondent's poor decision making skills with regard to both herself and the minor children and felt that there were barriers to the services based on respondent's limited cognitive functioning. Domestic violence between respondent and respondent-father continued to be an issue. Respondent had called petitioner's office on several occasions, expressing concerns about domestic violence and exhibiting mental instability of her own. While respondent had taken advantage of domestic violence classes, respondent-father had not, and respondent continued to be involved in a relationship with respondent-father. Respondent admitted that the offered services had not benefited her and requested that she be placed in inpatient treatment.

In spite of the extensive services afforded to respondent, and respondent's participation in many of the services, the evidence was clear and convincing that the issues that led to adjudication continued to exist and that there was no reasonable likelihood that the issues would be rectified within a reasonable time, given that it had been years that the minor children were in care and that they were only two and four years old. Respondent was unable to provide the minor children with proper care and custody. She had poor decision making skills, she did not know how to care for the minor children on her own, she was unable to maintain employment to support the minor children, and she did not have suitable housing. While she admitted that the services had not benefited her, she refused to accept an appropriate support system with the paternal grandmother so that she could provide proper care and custody with adequate support. Domestic violence with respondent-father was an ongoing issue and respondent was unable to separate from that. Furthermore, she was unable to determine appropriate discipline for the minor children, attempting to punish her youngest child, while he was still a baby, by shaking him. Based on all of this evidence, the trial court did not err when it found that respondent did not provide proper care and custody, would be unable to do so within a reasonable period of time, and there was a reasonable likelihood that the minor children would be harmed if returned to respondent's home.

This Court also finds that the trial court did not clearly err in its best interests determination. Respondent did not have a relationship or an emotional bond with the minor children. The minor children had been in the temporary care of the trial court for a significant period of time. They were at an age where permanency was essential for their continued growth and development. The best interests of the minor children is served by the termination of

respondent's parental rights so that they have the opportunity to have a safe, stable, and permanent home.

Affirmed.

/s/ Donald S. Owens

/s/ Deborah A. Servitto

/s/ Elizabeth L. Gleicher